REMARKS

The Office is thanked for the careful review of the subject application.

Claims 24-46 are pending in the present application. Claims 24, 28, 32, 36, and 40 are independent claims. New dependent claim 46 is added in the foregoing amendment. No new subject matter has been introduced.

The Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Claim Objections

Claims 24, 28, 32, 36, and 40 are objected to for reciting "a application identifier." By the present Amendment, each of claims 24, 28, 32, 36, and 40 now recite "an application identifier. Accordingly, Applicant respectfully requests that the Office withdraw this objection.

Rejections under 35 U.S.C. § 101

Claims 28-35 are rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. The Applicant respectfully traverses this rejection.

In particular the Office Action states that "[a]ccording to Applicant's specification (see [0073]) the system comprises software which is not considered to fall within one of the four statutory categories of invention." (See Page 2 of the 6/2/2008 Office Action). As an initial matter, claims 32-35 are structural apparatus claims, with "means for" features that read upon structure from the application that performs the functionality recited therein, pursuant to 35 U.S.C. § 112, 6th paragraph. Accordingly, this rejection is improper as applied to claims 32-35.

Further, the Office Action's position appears to be that a system comprising software is *per se* non-statutory. However, this is not the correct standard to be applied. MPEP § 2106.1 sets forth the standard for determining whether a claim is directed to statutory or non-statutory computer-related subject matter, and states:

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Descriptive material can be characterized as either 'functional descriptive material' or 'nonfunctional descriptive material.' In this context, 'functional descriptive material' consists of data structures and computer programs which impart functionality when employed as a computer component... When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim... Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory. (*Emphasis added; see MPEP § 2106.1*)

With regard to claims 28-31, an apparatus is being claimed, which comprises logic that when executed by the apparatus performs the functionality recited therein. Claim 28, for example, taken as a whole cannot be said to be directed to a "mere program." For example, the "transmitting logic that operates to transmit the server credential to the data server" must necessarily operate with structure that is at least indirectly connected to the data server to achieve the requisite transmission (i.e., *a program by itself cannot transmit anything*). Thus, this claim is not directed to a mere program or mathematical algorithm. Again, as mentioned above, "USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim" (*Emphasis added; see MPEP § 2106.1*). Because the apparatus itself is statutory in claim 28, the Applicant respectfully submits that its dependent claims 29-31 are also statutory.

The Applicant respectfully requests that the Office withdraw this rejection.

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Rejection under 35 U.S.C. § 103(a)

Claims 24-45 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent No. 6,477,645 ("Drews") in view of U.S. Patent Publication No. 2002/0023059 ("Bari") and further in view of U.S. Patent No. 7,010,690 ("Hanna"). The Applicant respectfully traverses this art grounds of rejection.

Drews is directed to an authority and integrity check in systems that lack a public key. In particular, Drews is directed to authenticating (i) a remote device and (ii) a user of the remote device. Referring to FIG. 2, Drews teaches a method 200 that "includes identify platform 210, identify user 220, transmit 230, compute 240, supply 250, query 260, compare 270, display 280, and query user 290." (See FIG. 2 and Col. 6, lines 18-20). Drews further states:

> In identify platform 210 and identify user 220, an authorizing entity identifies a user platform for receiving information and a user responsible for the platform. For example, an IT organization identifies a newly installed workstation as requiring installation of a boot image and identifies an engineer as responsible for the installation of software on the workstation. in transmit 230 and compute 240, information and a credential are transmitted to the user platform identified in identify platform 210, and a transformation value of the credential is computed on the user platform. For example, a boot image and credential are transmitted from a remote platform to a workstation, and a hash value of the credential is computed on the workstation. *(See FIG.2 and Col. 6, lines 20-33 of Drews, Emphasis added)*

As will be appreciated in view of the reproduced excerpt of Drews, Drews teaches identifying the device or platform requesting authentication (210), and also identifying a user of the requesting device (220). Based on the identifications of 210 and 220, a transformation value is calculated in 240, and supplied to the user of the requesting platform in 250. The supplied transformation value from 250 is later used to authenticate the user (260,270).

Drews is directed to platform/user based authentication, not application authentication

With respect to claim 24, the Office Action reads, "receiving an application identifier in a request for a server credential" upon Drews at Column 3, lines 15-19 and lines 57-65. With

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respect to the "application identifier," the Applicant respectfully directs the Office to Column 3, lines 15-19, which reads as follows:

> <u>Transformation value generator 115 is provided to convert a variable length amount of digital data into a more concise form.</u> In one embodiment of the invention, generator 115 is a hash function. A hash function accepts any length input and generates a fixed length output. Hash functions are known in the art and those skilled in the art will recognize that a hash function suitable for use in embodiments of the present invention is one that is relatively easy to compute, one-way, and collision-free. *(See Col. 3, line 15-19 of Drews, Emphasis added)*

The above-cited portion of Drews is emphasized because the Office Action states "a variable length amount of digital data (application identifier)" (Page 3 of the 6/2/2008 Office Action), indicating that the "application identifier" as claimed is read upon the digital data used by Drews to compute the transformation value, which corresponds to a hash function applied to the digital data. The digital data referred to in this section is information 155, which is transmitted along with credential 160 from the remote platform to the user platform (e.g., see Column 2, lines 9-33 of Drews, e.g., see also Column 4, line 25-27). With regard to the information 155, Drews indicates that the information 155 that is used to compute the transformation value can be a boot image (See Col. 2, line 37-41 of Drews). A boot image does not identify a particular application. Rather, boot images are used to enable hardware to load an operating system. Claim 24 is directed to a method "to authenticate an application running on a device." Thus, to authenticate the particular application in question, an application identifier is sent along with the authentication request. Clearly, in Drews, the remote platform is not trying to authenticate the boot image, but is using the boot image to identify the *platform*.

Additionally, Drews is completely silent regarding application authentication. Rather, Drews is directed to authenticating a remote platform and a user of the remote platform. Drews does not engage in application-specific authentication. For example, the transformation value

used to authenticate the remote platform is generated based on identifications of the platform (210) and user (220), **not** an application running on the platform.

Likewise, Bari does not disclose or suggest authenticating an application. Rather, Bari refers to "the user's Authentication Credentials" (See [0034], Bari). Thus, Bari is directed to *__user__* authentication, not application authentication. Also, Hanna is directed to "[a] method and apparatus for authenticating and authorizing a user of a device …" (Hanna, Abstract). Accordingly, Hanna is also directed to user authentication, and not application authentication.

Accordingly, Drews in view of Bari and further in view of Hanna cannot disclose or suggest "receiving an *__application__* identifier in a request for a server credential", "generating the server credential using the *__application__* identifier and a master credential" and "transmitting the server credential to the data server, *wherein if the server credential and the **application** credential match, the **application** is authenticated*" as recited in independent claim 24 and similarly recited in independent claims 28, 32, 36 and 40 (Emphasis added).

In view of the above remarks, claims 25-27, 29-31, 33-35, 37-39, and 41-45, dependent upon independent claims 24, 28, 32, 36 and 40, respectively, are likewise allowable over Drews in view of Bari in further view of Hanna at least for the reasons given above with respect to claims 24, 28, 32, 36, and 40, respectively. Thus, the Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

New Claim

The Applicant has added claim 46, which depends from independent claim 1, and recites, "wherein the application requesting the server credential is one of a plurality of applications running at the device, and the application identifier identifies only the application requesting the server credential." Support for this feature may be found within [0034], [0045], etc. As discussed previously, Drews, Bari and Hanna are each silent regarding any type of application

authentication, and are rather limited to authenticating users or devices. Claim 46 emphasizes that the application authentication is selective and applies to the application identified by the application identifier. This serves to further distinguish the claims from Drews, Bari and Hanna, which authenticate users or platforms only, such that all applications run by the user or platform would be authenticated if a credential were to be granted. For at least this additional reason, the Applicant respectfully requests an indication of allowance for claim 46.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

In light of the amendments contained herein, the Applicant respectfully submits that the application is in condition for allowance, for which early action is requested. Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, then the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated August 30, 2008
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       _____

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